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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**CHERYL LYNN TAYLOR
4106 Donald Drive
Olivehurst, CA 95961**

Registered Nurse License No. 445799

RESPONDENT

Case No. 2012-565

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 7, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-565 against Cheryl Lynn Taylor (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about August 31, 1989, the Board of Registered Nursing (Board) issued Registered Nurse License No. 445799 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

3. On or about September 10, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-565, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

4106 Donald Drive
Olivehurst, CA 95961.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about October 24, 2012, the Certified Mail documents were returned to the
5 Board by US Postal Services marked "Unclaimed."

6 6. Business and Professions Code section 2764 states:

7 The lapsing or suspension of a license by operation of law or by order or decision of
8 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
9 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
10 against such license, or to render a decision suspending or revoking such license.

11 7. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
13 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
14 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
15 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

16 8. Respondent failed to file a Notice of Defense within 15 days after service of
17 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation
18 No. 2012-565.

19 9. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
21 agency may take action based upon the respondent's express admissions or upon other evidence
22 and affidavits may be used as evidence without any notice to respondent.

23 10. Pursuant to its authority under Government Code section 11520, the Board after
24 having reviewed the proof of service dated September 10, 2012, signed by Kami Pratab, finds
25 Respondent is in default. The Board will take action without further hearing and, based on
26 Accusation No. 2012-565 and the documents contained in Default Decision Investigatory
27 Evidence Packet in this matter which includes:

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- 1 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2012-565,
2 Statement to Respondent, Notice of Defense (two blank copies), Request
3 for Discovery and Discovery Statutes (Government Code sections
4 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
5 receipt or copy of returned mail envelopes;
- 6 Exhibit 2: License History Certification for Cheryl Lynn Taylor, Registered Nurse
7 License No. 445799;
- 8 Exhibit 3: Affidavit of Lee Adamson and Kami Pratab;
- 9 Exhibit 4: Certification of costs by Board for investigation and enforcement in Case
10 No. 2012-565;
- 11 Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of
12 Case No. 2012-565.
- 13 Exhibit 6: Letter sent to Respondent to contact the Board in order to set up
14 mental/physical examination.

15 The Board finds that the charges and allegations in Accusation No. 2012-565 are separately and
16 severally true and correct by clear and convincing evidence.

17 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
18 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
19 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
20 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
21 \$3902.50 as of October 30, 2012.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Cheryl Lynn Taylor has subjected her following license(s) to discipline:

a. Registered Nurse License No. 445799

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of 820 - The licensing agency may order the licentiate to be examined by physicians or psychologists designated by the agency to determine if the licentiate is unable to practice his or her profession safely due to mental or physical illness.

b. Violation of 821 - The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

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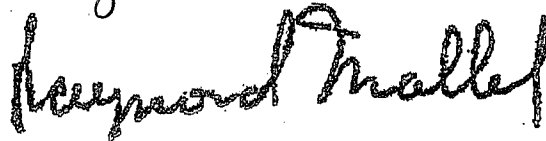
ORDER

IT IS SO ORDERED that Registered Nurse License No. 445799, heretofore issued to Respondent Cheryl Lynn Taylor, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 15, 2013.

It is so ORDERED January 16, 2013



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2012-565

Exhibit A

Accusation No. 2012-565

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KENT D. HARRIS
Deputy Attorney General
4 State Bar No. 144804
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-7859
Facsimile: (916) 327-8643
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-565

13 **CHERYL LYNN TAYLOR**
4106 Donald Drive
Olivehurst, CA 95961

A C C U S A T I O N

14 **Registered Nurse License No. 445799**

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1989, the Board of Registered Nursing issued Registered
24 Nurse License Number 445799 to Cheryl Lynn Taylor (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on June 30, 2013, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

5. Section 821 of the Code states:

"The licentiate's failure to comply with an order issued under section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license."

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Failure or refusal to comply with order compelling psychiatric evaluation)

7. Respondent is subject to disciplinary action under Code section 821 in that she failed to comply with an order issued under Code section 820 by Complainant.

The circumstances are as follows:

8. On March 22, 2012, a Petition and Order to Compel Psychiatric Examination was filed by Complainant. The Order required that Respondent must submit to a psychiatric examination no later than 30 days after service of said Order.

9. On March 23, 2012, the Petition and Order were served by both certified and first class mail at Respondent's address of record on file with the board. The certified mail envelope was returned on May 18, 2012 marked "unclaimed". The First Class mailing was not returned.

10. On or about May 4, 2012, a letter was sent to Respondent by Board staff via certified mail reiterating the necessity that she comply with the previously served order. The certified mailing was returned to the Board office as “unclaimed” on or about July 17, 2012.

11. No further communication from Respondent has been received by the Complainant, Board staff, or the Office of the Attorney General.

PRAAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 445799, issued to Cheryl Lynn Taylor;

2. Ordering Cheryl Lynn Taylor to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: September 7, 2012

Louise R. Bailey
 LOUISE R. BAILEY, M.ED., RN
 Executive Officer
 Board of Registered Nursing
 Department of Consumer Affairs
 State of California
Complainant

SA2012104672
accusation.rtf